IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2141 OF 1989

Birla Jute & Industries Ltd. ..Plaintiff.
Vs.
The Municipal Corporation of Gr. Bombay.
..Defendant.

Mr. M.S.Rane i/by H.V.Gala & Co. for the plaintiff.
Mr. R.Y.Shirsikar for the Defendant.

CORAM : A.M. KHANWILKAR, J.
DATE : 28/8/2007.

PC :

1. None appears for the plaintiff. The counsel for the defendant submits that his written statement was kept ready in 1991 but could not be filed due to inadvertence. Be that as it may, as none appears for the plaintiff. Dismissed for non prosecution.

At 3.00p.m.

2. After lunch break the counsel for the plaintiff mentioned the matter and submitted that instead of dismissing the suit for non prosecution, that order be recalled and the plaintiff be permitted to withdraw the suit unconditionally. Accordingly, at the request of the counsel for the plaintiff, order passed in the morning session is recalled and instead the suit is allowed to be withdrawn unconditionally. Refund as per rules.

(A.M. KHANWILKAR, J.)